

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|  |   |                       |
|--|---|-----------------------|
| _____                                  | ) |                       |
| ADE GEORGE OYEBOLA,                    | ) |                       |
|  | ) |                       |
| Petitioner,                            | ) |                       |
|  | ) | C.A. NO. 04-10318-RGS |
| v.                                     | ) |                       |
|  | ) |                       |
| TOM RIDGE, Secretary, JOHN ASHCROFT,   | ) |                       |
| Attorney General; EDUARDO AQUIRRE JR., | ) |                       |
| Director of USCIS; DENNIS RIORDAN,     | ) |                       |
| District Director-Boston, USCIS,       | ) |                       |
|  | ) |                       |
|  | ) |                       |
| Respondents.                           | ) |                       |
| _____                                  | ) |                       |

RESPONDENTS' MOTION TO DISMISS PETITION

The Respondents hereby move this Court to dismiss the Petition of Ade George Oyegbola on the grounds that it fails to state a claim upon which relief can be granted.

The Respondents rely on their Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Michael P. Sady  
Michael P. Sady  
Assistant U.S. Attorney  
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**CERTIFICATION UNDER L.R. 7.1**

Pursuant to Local Rule 7.1(a)(2), since plaintiff is pro se the parties have not conferred with regard to this motion.

**CERTIFICATE OF SERVICE**

I certify that on July, 23, 2004, I caused a copy of the foregoing Respondents' Motion to Dismiss Petition to be served by first class mail, postage pre-paid to Petitioner, 46 Birchwood Road, U417, Randolph, MA 02368.

/s/ Michael P. Sady  
Michael P. Sady  
Assistant U.S. Attorney